

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
DEPARTMENT 67 - POLICIES AND PROCEDURES**

(Hon. Patricia A. Y. Cowett)

Department 67 Staff:

Courtroom Clerk	Patricia Legler	685-6042
(I.C.) Calendar Clerk	Natalie Sablan	685-6009
Staff Attorney	Thomas Eral	
Court Reporter		685-6041
Bailiff		685-6042

GENERAL

Scheduling of pre-trial motions and ex parte hearings is accomplished by calling the IC Clerk, whose hours are M-Th 8:00am-12:00pm and 1:30pm-4:30pm. On Fridays, the IC Clerk is in the courtroom and not generally available to set dates and answer questions.

1. Integration With Local Rules: All parties (including those in pro per) and their counsel are ordered to comply with the Coordinated Rules of the Superior and Municipal Courts, San Diego County (Local Rules), Division II, "Civil Litigation."

CALENDARS, CONFERENCES, AND HEARINGS

2. Ex Parte Hours: Ex parte matters are heard by reservation only on Mondays and Wednesdays at 8:45 a.m., on Fridays at 11:00 a.m. and on such other days and times as the Court may allow by special reservation. Reservations are made by telephoning the Calendar Clerk at 685-6009 **at least 24 hours in advance** of the requested hearing date. The party making the reservation should be prepared to state the nature of the relief requested. Papers in support of the application and proof of notice should be filed by 12:00 noon on the day prior to the hearing.

(a) Motions to Compel Discovery Responses: It is the Court's policy that application for a hearing date for a motion to compel discovery responses be made at an ex parte hearing. It is the Court's experience that many discovery disputes can be resolved without a formal motion. The party requesting the hearing should provide the Court with a copy of the discovery requests and responses that are in dispute. [The proposed formal motion is not required at the ex parte hearing unless otherwise compelled by a filing deadline.]

(b) Orders for Publication: Paperwork requesting an order to publish may be submitted for review without an appearance. However, the regular filing fee will be required. Obtaining an order to publish does not toll dates, e.g., certificate of service dates. The Court will scrutinize the jurisdictional affidavit to see whether the applicant has taken "those steps a reasonable person who truly desired to give notice would have taken under the circumstances" and has complied with CCP 415.50 and CRC 379.

(c) Guardian Ad Litem: Petitions for appointment of guardian ad litem may also be submitted for review and approval without an appearance. The guardian ad litem **cannot** be someone who also has an interest in the action. Petitions to compromise minors' claims are governed by Local Rule 2.37A.

(d) Trial Continuances: Ex parte requests for trial continuances require all counsel to be present and to know the availability of clients, witnesses, experts and trial counsel for possible resetting of trial dates.

(e) Reappointment of Arbitrator/Mediator: Requests for reappointment of arbitrator or mediator must state the agreed date certain for the continued arbitration or mediation hearing.

3. Law and Motion (Tentative Rulings). Noticed motion hearings are by reservation only, and are heard on Fridays at 1:45 p.m. Counsel may obtain reservations by contacting the IC Clerk at 685-6009. This department issues tentative rulings pursuant to CRC Rule 324(b)(2). Counsel will be provided with a copy of the tentative ruling when they appear for oral argument. If neither party appears on the date and at the time noticed for the hearing, the tentative ruling shall be adopted as the final ruling of the Court. Parties wishing to argue before the Court must appear on the date and at the time noticed for the hearing.

(a) Motions to Compel Discovery Responses: See ¶2(a) above.

(b) Summary Judgments/Summary Adjudication of Issues: Motions for Summary Judgment being very labor-intensive, the Court limits the number of such motions which can be heard in any week. Even though the motion is timely filed, it is often very difficult to schedule the hearing prior to the motion cut-off date. Counsel are urged to prepare and schedule summary judgment motions as soon as possible. Counsel are also urged to take into consideration that summary judgment motions require longer notice than ordinary motions.

4. Default Judgment by Court:

(a) Papers must comply strictly with "Requirements for Default Judgments" in Appendix A to Division II of Local Rules (Civil Litigation).

(b) Non-complying papers will be returned with a notation of defects.

(c) If papers comply, counsel will be notified of a prove-up date (usually a Friday 3-4 weeks after submission) by return of a conformed copy of the "Request for Court Judgment" form.

(d) If, upon review, the Court can enter judgment without a hearing, it will do so and vacate the prove-up date.

Patricia A. Y. Cowett
Judge of the Superior Court